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VIA ECF AND FAX

Hon. Cathy L. Waldor, U.S.M.J.
District of New Jersey
King Federal Building & Courthouse
50 Walnut Street
Newark, New Jersey 07101

**Re: *BanxCorp v. Bankrate, Inc.*, Civ. No. 07-3398 (KM-CLW)
 BanxCorp v. LendingTree, LLC, Civ. No. 10-2467 (KM-CLW)**

Dear Judge Waldor:

By order dated September 11, 2012, Judge Salas directed the parties to schedule a status conference before Your Honor to discuss the schedule for the filing of a Seventh Amended Complaint ("7AC") and related issues. Last week, we informed the Court that the parties are discussing the scope of the 7AC and related scheduling issues. Although the parties have not reached agreement on open issues as yet, we believe that the parties may be able to reach an agreement that will eliminate the need for the Court's involvement. We respectfully request that the Court not enter a scheduling order while the parties attempt to resolve remaining issues between themselves. It is worth noting that BanxCorp and LendingTree have reached an agreement to settle all claims against LendingTree; thus, the only issues that remain are those between BanxCorp and Bankrate.

The parties will report to the Court by September 27, 2012 concerning their discussions. We are hopeful that we can resolve all potential issues that might otherwise require the Court's attention, and that a schedule for expert discovery can be set by agreement of the parties.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "R. Scott Thompson".

R. Scott Thompson

Cc: All Counsel (ECF)